



Docket No.: 19603/3232 (CRF D-2587B)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Goldman et al.

Serial No. : 09/846,588

Cnfrm. No. : 4784

Filed : May 1, 2001

For : METHOD OF INDUCING NEURONAL  
PRODUCTION IN THE BRAIN AND  
SPINAL CORD

Examiner:  
Q. Nguyen

Art Unit:  
1636

TECH CENTER 1600/2900

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RESPONSE TO RESTRICTION REQUIREMENT

U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, Virginia 22202

Dear Sir:

In response to the February 28, 2002, written restriction requirement, applicants hereby elect Group I (i.e., claims 1-9, 13-21, 25-27, 28-40 and 44-47) with traverse. Applicants traverse the restriction requirement on the basis that the claims of the present application are closely related and, therefore, require common areas of search and consideration. Since no serious burden exists for search and examination of the groups defined in the outstanding office action, no benefit is derived from imposing restriction among Groups I-III. Therefore, the restriction requirement should be withdrawn.

As to the "further group restriction," applicants submit that the imposition of such a further election requirement is entirely inappropriate. Nowhere does Title 35 of the United States Code, Title 37 of the Code of Federal Regulations, or The Manual of Patent Examining Procedure sanction a restriction requirement between different claims depending from the same independent claim. Accordingly, to the extent the restriction requirement is intended to segregate different neurodegenerative diseases, it should be withdrawn. In any event, applicants hereby elect Huntington's Disease.

Furthermore, applicants hereby elect the species b), i.e., the basal ganglia of the brain.

Respectfully submitted,

Date: April 1, 2002



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| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: <i>U.S. Patent &amp; Trademark Office, 2327, Arlington, Virginia</i> |                                       |
| Commissioner for Patents, Washington, D.C. 20231, on the date below.   |                                       |
| <i>4/1/02</i><br>Date  | <i>Jo Ann Whalen</i><br>Jo Ann Whalen |